

## REMARKS

Upon entry of this Response, claims 1 and 7 will be amended and claims 5-6 will be canceled. Thus, claims 1-4, 7-20, 22, and 24-28 will remain pending. These changes have been made solely to expedite prosecution of the current application, and Applicant reserves the right to pursue the subject matter of the originally filed claims in this and other applications. No new matter has been added. Applicant respectfully requests entry of this Response as it will place the claims in better form for appeal and should not require further searching. Reconsideration and further examination are respectfully requested.

Claims 1-6, 11, 14-20, 22, 24-28 are rejected under 35 USC § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) (U.S. Application 10/071,957) in view of McDowell (U.S. Patent Publication No. 2002/0035605).

The AAPA is best understood with respect to FIG. 1 of the present application. In some cases, a client device 110 may want to determine the location of a subscriber device 150 (*e.g.*, a wireless telephone). Note that: (i) the subscriber device 150 may currently be communicating via a visited network as opposed to its usual home network, and (ii) a home database server 130 is aware of this fact and knows the network address of a current visited network server 140.

To determine the current location of the subscriber device 150, a client device 110 (*e.g.*, associated with a 911 system) asks a gateway location server 120 to determine the location at (A) and eventually receives the information at (G).

Since the gateway location server 120 is not aware which network is currently serving the subscriber device 150, it requests this information from the home database server 130 at (B). The home database server 130 provides the appropriate network address to the gateway location server 120 at (C), and this network address can then be used by the gateway location server 120 to get the current location from the appropriate visited network server 140 at (D) through (F).

Some embodiments of the present invention are best understood with respect to FIG. 2 of the present application. As before: (i) a subscriber device 250 may currently be communicating

via a visited network as opposed to its usual home network, and (ii) a home database server 230 is aware of this fact and knows the network address of the current visited network server 240.

Since a gateway location server 220 doesn't know which network is currently serving the subscriber device, it requests this information from the home database server 230 at (B). In this case, however, the home database server 230 does not provide the network address of the visited network server 240. Instead, in response to the request it provides an network address of a home location privacy server 235 at (C). The gateway server 220 then requests location information from the home location privacy server 235 at (D) (thinking it is transmitting the request to a visited network server 240).

The home location privacy server 235 can then determine whether or not location information should be provided. If so, it can get the appropriate network address of the visited network server from the home database server 230 and use that information to determine and provide the current location of the subscriber device 250 at (E) through (I).

Note that by giving the gateway location server 220 the network address of the home location privacy server 235 (instead of the visited network server 240) some embodiments of the present invention may be implemented without changing the gateway location server 220. Moreover, the only change to the home database server 230 might be the substitution of the privacy server network address in place of the actual network address of the visited network server 240.

Thus, claim 1 as amended recites “receiving at a home database server a network address request ... asking for a network address associated with a communication network currently serving a subscriber device.” Moreover, in response to the request, a “privacy server network address ... [which is] not the actual network address associated with [that] communication network” is provided.

Applicant respectfully suggests that such a feature is not the AAPA as described above. Nor does McDowell disclose or suggest such a feature. For example, in FIG. 2 of McDowell a wireless subscriber 210 initiates a request for its location. A gateway 136 transmits a location

query to a location proxy server 114. The location proxy server 114 uses information in a privacy database 119 to determine whether or not the location will be provided to the gateway 136. Paragraph [0083]. Nowhere does McDowell disclose or suggest substituting one network address for another. The other references also fail disclose such a feature, and Applicant respectfully requests allowance of claims 1-17 and 28 (which contain similar limitations).

According to the Final Office Action:

The requestor however may still send a message to a subscriber via the Campaign Manager (see paragraph 168). In order for a merchant to send a message without knowing the destination address, a proxy server and therefore also an address other than the subscriber's actual address is used.

(Final Office Action at Page 5, first paragraph). Applicant respectfully disagrees with this summary of the teaching of McDowell. In particular, McDowell does not disclose or suggest that a privacy server network address may be provided to a requestor (or any other party) in response to a network address request as recited in claim 1. That is, nowhere is it suggested that a proxy server address (*e.g.*, associated with the Campaign Manager) is transmitted to a requestor - such as a merchant device - in response to a network address request. For example, a merchant device and/or Campaign Manager might be configured to always use a particular proxy server address (and such an address would not logically be transmitted to a merchant device each time a message was to be transmitted to a subscriber).

In addition, with respect to all of the pending claims, Applicant respectfully requests reconsideration of the 35 U.S.C. § 103 rejections.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by presenting evidence that would have led one of ordinary skill in the art to arrive at the claimed invention.

According to the Office Action, it would have been obvious to modify AAPA with the privacy protection disclosed in McDowell "to increase a subscriber's level of privacy when requesting and transmitting location information" and to "ensure that only those entities

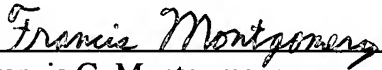
considered 'friendly' would receive the requested location information" (e.g., bottom of page 5 to top of page 6 in the Final Office Action). Applicant respectfully suggests that the Examiner has simply recognized a benefit provided by the present invention, and then used that benefit as a motivation to combine the references – the essence of impermissible hindsight reconstruction. Such reasoning simply does not show that a person of ordinary skill in the would have modified AAPA in ways recited in the pending claims (e.g., a privacy database might instead have been added to the home database server 230 of FIG. 2).

### CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (732) 321-3130.

Respectfully submitted,

September 13, 2006  
Date

  
Francis G. Montgomery  
Registration No. 41,202  
SIEMENS CORPORATION  
170 Wood Avenue S  
Iselin, NJ 08830  
(732) 321-3130